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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,781

03/09/2004

Sean Haney

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1660

28995 7590 03/16/2007
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EXAMINER

HAUPT, KRISTY A

ART UNIT

PAPER NUMBER

2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/796,781	HANEY ET AL.	
	Examiner	Art Unit	
	Kristy A. Haupt	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on response filed 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-14 is/are allowed.
- 6) ☒ Claim(s) 1 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to Amendment filed 13 December 2006. Claims 1-20 are pending. Claims 2-14 are allowed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston US 5,673,333 in view of Barton et al. US 6,733,108 B2.

Johnston teaches:

With respect to claim 1:

- Accessing an interior area of a cash dispensing (Column 2, Lines 51-52) automated banking machine (It is inherent that there must be access to an interior area of a of the banking machine (Column 2, Lines 46-48) in order to remove deposited items from the machine or to service the machine)
- A Banking machine (Column 2, Lines 46-47)
- Printhead (Figure 2A teaches printer, #70, which inherently has a printhead)

With respect to claim 15:

- A print cartridge in an automated banking machine (Column 2, Lines 46-47 and Figure 2A teaches printer (70) which inherently has a print cartridge)

With respect to claim 18:

- Providing access to an interior area of a cash dispensing automated banking machine (Column 2, Lines 51-52 where it is inherent that there must be access to an interior area of a banking machine (Column 2, Lines 46-48) in order to remove deposited items from the machine or to service the machine)

Johnston fails to teach:

With respect to claim 1:

- Disconnecting an ink capturing vessel from overlying relation of a nozzle location corresponding to an operative position of nozzles of a printhead wherein the vessel is adapted to capture ink not deposited on envelopes
- Removing the vessel

With respect to claim 15:

- Disengaging from supporting connection with a housing inside a cash dispensing automated banking machine, a pivotally mounted ink capture vessel operatively positioned movable relative to the housing about a pivot

axis during ink capture wherein the vessel includes a cavity therein and an opening thereon to the cavity, wherein prior to the disengaging the opening is generally overlying a nozzle location of ink spraying nozzles of a print cartridge

With respect to claim 18:

- (a) The interior area includes therein an ink capture vessel in an ink capturing position at which an opening to a cavity of the ink capture vessel overlies a component location corresponding to an operative position of at least one print component, wherein in the ink capturing position the ink capture vessel is adapted to capture excess ink from at least one component, wherein the component location underlies the opening
- (b) Removing the vessel from the interior area

With respect to claim 19:

- Prior to step (b), dismounting the ink capture vessel from the housing

With respect to claim 20:

- Operating the banking machine with an ink capture vessel in the ink capturing position

However, Barton teaches:

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With respect to claim 1:

- Disconnecting an ink capturing vessel (Column 5, Lines 30-35) from overlying relation of a nozzle location corresponding to an operative position of nozzles of a printhead wherein the vessel is adapted to capture ink not deposited on envelopes (Column 3, Lines 6-11 teaches the spittoon captures waste ink, which is ink that is not used for printing)
- Removing the vessel (Column 3, Lines 66-67)

With respect to claim 15:

- Disengaging from supporting connection with a housing inside a cash dispensing automated banking machine, a pivotally mounted ink capture vessel operatively positioned movable relative to the housing about a pivot axis during ink capture (Column 5, Lines 30-35 and Column 4, Lines 14-20 teaches a pivotally mounted ink capture vessel) wherein the vessel includes a cavity therein and an opening thereon to the cavity (Figure 2 teaches a cavity with opening to spittoon (40)), wherein prior to the disengaging the opening is generally overlying a nozzle location of ink spraying nozzles of a print cartridge

With respect to claim 18:

- (a) The interior area includes therein an ink capture vessel in an ink capturing position at which an opening to a cavity of the ink capture vessel

overlies a component location corresponding to an operative position of at least one print component (Figure 2 teaches spittoon (40) and printhead (34)), wherein in the ink capturing position the ink capture vessel is adapted to capture excess ink from at least one component, wherein the component location underlies the opening (Column 3, Lines 6-11 teaches the spittoon captures waste ink, which is ink that is not used for printing)

- (b) Removing the vessel from the interior area (Column 3, Lines 66-67)

With respect to claim 19:

- Prior to step (b), dismounting the ink capture vessel from the housing (Column 4, Lines 8-14)

With respect to claim 20:

- Operating the banking machine with an ink capture vessel in the ink capturing position (Column 3, Lines 6-11)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Johnston to use an ink jet printer as the printer in the ATM, as taught by Barton, as they are a well-know, cost efficient, non-contact means of printing with a user-friendly method of replacing widely available ink cartridges. It would have been obvious to disconnect and remove an ink spittoon,

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as taught by Barton, to empty or replace the spittoon when it is filled with ink
(Column 3, Line 66 – Column 4, Line 1).

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston US 5,673,333 in view of Barton et al. US 6,733,108 B2, as applied to claim 15 above, and further in view of Lin US 2002/0080209 A1.

Barton additionally teaches:

With respect to claim 17:

- Engaging a vessel in movable supporting connection with the housing (Column 5, Lines 13-25), with an ink accepting opening in overlying relation of the nozzle location (Figure 2 teaches when the spittoon, #40, is in place it is in overlying relation with printhead nozzles, #36)

Johnston as modified by Barton fails to teach:

With respect to claim 16:

- Disconnecting a movable wiper from an actuator in the machine, wherein the wiper includes a squeegee portion which moves over the nozzle location responsive to movement of the actuator

With respect to claim 17:

- Connecting a movable wiper and the actuator

However, Lin teaches:

With respect to claim 16:

- Disconnecting a movable wiper from an actuator in the machine (Page 1, Paragraph 0016), wherein the wiper includes a squeegee portion which moves over the nozzle location responsive to movement of the actuator (Page 1, Paragraph 0015)

With respect to claim 17:

- Connecting a movable wiper and the actuator (Page 1, Paragraph 0016 teaches the wiper may be replaced therefore it will be connected)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Johnston as modified by Barton to disconnect a wiper that includes a squeegee portion, as taught by Lin, to replace it with a new wiper (Page 1, Paragraph 0016).

Examiner's Note

Examiner has cited particular column and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the Prior Art or disclosed by the Examiner.

Response to Arguments

1. Applicant's arguments filed 13 December 2006 have been fully considered but they are not persuasive.

Applicant argues that Barton's ink spittoon is not structurally or functionally compatible with Johnston's sideways printing as Barton does not teach or suggest sideways operation of the spittoon. The Examiner disagrees. It would have been obvious to one of ordinary skill in the art to rotate the spittoon to capture ink for Johnston's sideways printing since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). It would have been obvious to provide a vessel to capture ink from the printer in the banking machine of Johnston as they are well-known in the art and are commonly found in inkjet printing devices.

Applicant also argues that any attempt at sideways implementation of Barton's spittoon would result in ink dropping into the gap between the printhead and the spittoon. The Examiner disagrees. Applicant's own invention has a gap between the printhead and the spittoon (See Figure 51). This is necessary in any inkjet printing device to allow media to pass under the printhead for subsequent printing. The ink drops from Barton's printhead would pass through the wide

opening at an angle due to the effects of gravity and would fall to the bottom edge (#48 if turned at a 90° angle).

Applicant further argues that a sideways arrangement would not have resulted in an "overlying relation". The Examiner disagrees. By rotating the printhead and spittoon of Barton 90° clockwise the top portion of the spittoon would be above the printhead, therefore resulting in an overlying relation. The Examiner also notes that the overlying relation is a structural limitation in a method claim. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Therefore because the "overlying relation" does not affect Applicant's method of accessing an interior of a banking machine, disconnecting an ink capturing vessel and removing the vessel from the machine.

Allowable Subject Matter

4. Claims 2-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is an examiner's statement of reasons for allowance:

With respect to claim 2 and all its dependencies:

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- Disconnecting a pair of opposed pins that are supporting the ink capturing vessel from movable operative engagement with a banking machine housing

The prior art of record fails to provide sufficient teaching or motivation to one of ordinary skill in the art to provide the features of these claims in the combinations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristy A. Haupt whose telephone number is (571) 272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

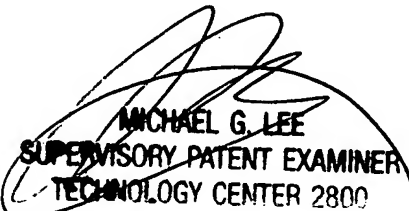
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3/12/07

KAH

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